

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

SIXTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 7, 2012

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Roger Easland, followed by the Pledge of Allegiance led by House pages Tabitha Siemens and Sarah Tow.

Roll Call: All members present except Rep. Elliot who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fifteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

HONORED GUESTS

Rep. Kloucek introduced Zachary Christy, State Voice of Democracy winner, from Belle Fourche, South Dakota, and Kate Kruse, Patriot's Pen winner, from Lesterville, South Dakota.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1083, 1084, and 1087 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1100 and returns the same with the recommendation that said bill be amended as follows:

1100ta

On page 1, line 6, of the printed bill, delete "forty" and insert "eighty".

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1080, 1081, and 1082 which were deferred to the 41st Legislative Day.

(Journal correction: See page 369 of the House Journal.)

Respectfully submitted,
Kim Vanneman, Chair

1 Also MR. SPEAKER:

2 The Committee on Transportation respectfully reports that it has had under consideration
3 SB 140 and returns the same with the recommendation that said bill do pass and be placed on
4 the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on Transportation respectfully reports that it has had under consideration
7 HB 1200 which was deferred to the 41st Legislative Day.

8 Respectfully submitted,
9 Mike Verchio, Chair

10 **MESSAGES FROM THE SENATE**

11 MR. SPEAKER:

12 I have the honor to return herewith HB 1011 and 1056 and HJR 1001 which have passed
13 the Senate without change.

14 Also MR. SPEAKER:

15 I have the honor to transmit herewith SB 11, 45, 100, 111, 114, and 195 which have passed
16 the Senate and your favorable consideration is respectfully requested.

17 Also MR. SPEAKER:

18 I have the honor to transmit herewith SCR 2 which has been adopted by the Senate and
19 your concurrence is respectfully requested.

20 Respectfully,
21 Fee Jacobsen, Secretary

1

MOTIONS AND RESOLUTIONS

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HCR 1006: A CONCURRENT RESOLUTION, in opposition to certain actions by animal rights groups to undermine agricultural producers.

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Rep. Fargen moved that HCR 1006 as found on pages 312 and 313 of the House Journal be adopted.

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The question being on Rep. Fargen's motion that HCR 1006 be adopted.

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And the roll being called:

8

Yeas 68, Nays 0, Excused 2, Absent 0

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Yeas:

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Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon); Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

18

Excused:

19

Elliott; Steele

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So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 1006 was adopted.

22

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HCR 1007 Introduced by: Representatives Lucas, Conzet, Cronin, Dennert, Hunhoff (Bernie), Jones, Turbiville, Vanneman, Willadsen, and Wink and Senators Peters, Bradford, Hansen (Tom), Nelson (Tom), Novstrup (Al), Putnam, Rampelberg, and Tidemann

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26

27

A CONCURRENT RESOLUTION, Urging the members of the South Dakota Congressional delegation to sponsor and support the Marketplace Fairness Act and the Marketplace Equity Act.

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WHEREAS, the 1967 Bellas Hess and the 1992 Quill Supreme Court decisions denied states the authority to require the collection of sales and use taxes by businesses that have no physical presence in the taxing state; and

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WHEREAS, the ability of consumers to make purchases from remote sellers that have no physical presence has become significantly more accessible via the internet, and the sales tax base is eroding as consumers are altering their purchasing habits; and

1 WHEREAS, the constraints imposed by the Supreme Court's decisions threaten the future
2 viability of the sales tax as a revenue source for state and local governments in this changing
3 market for consumer goods and services; and

4 WHEREAS, the federal government continues to shift program and financial responsibilities
5 to the states, but the inaction of Congress to permit states to require sales and use tax collection
6 on remote sales limits the states' ability to raise revenues for the funding of such programs from
7 one of the major state revenue sources; and

8 WHEREAS, if Congress were to act on this matter, it would provide some fiscal relief for
9 the states without costing the federal government a single cent or otherwise affect the federal
10 budget; and

11 WHEREAS, the Streamlined Sales and Use Tax Agreement (Agreement) provided the states
12 with one viable blueprint to create a simplified and more uniform sales and use tax collection
13 system. The states and the business community have worked for over ten years to simplify state
14 and local sales and use tax systems by establishing common definitions, sourcing rules, and
15 other factors to provide a streamlined system for the twenty-first century; and

16 WHEREAS, small businesses that have less than five hundred thousand dollars in gross
17 annual receipts are exempt from the provisions of the Agreement; and

18 WHEREAS, the Legislature of South Dakota and our colleagues in the other states have
19 shown the resolve to acknowledge the complexities of the current sales and use tax collection
20 system, have worked with the business community to formulate a truly simplified and
21 streamlined collection system, and have shown the political will to enact the necessary changes
22 to make the streamlined collection system the law; and

23 WHEREAS, by June 2011, twenty-one states, Arkansas, Georgia, Indiana, Iowa, Kansas,
24 Kentucky, Michigan, Minnesota, Nebraska, Nevada, New Jersey, North Carolina, North Dakota,
25 Oklahoma, Rhode Island, South Dakota, Vermont, West Virginia, Washington, Wisconsin, and
26 Wyoming, have enacted legislation to bring their states' sales and use tax statutes into
27 compliance with the Agreement; and

28 WHEREAS, the Center for Business and Economic Research at the University of Tennessee
29 has estimated that the states and local governments will lose as much as \$14.8 billion in fiscal
30 year 2012 because they were not able to collect taxes on remote sales, a figure that increases to
31 \$23 billion if mail order sales are included according to the National Conference of State
32 Legislatures, and the Center has estimated that South Dakota will lose as much as \$38.8 million
33 in fiscal year 2012; and

34 WHEREAS, the Marketplace Fairness Act has been introduced in the United States Senate
35 and the Marketplace Equity Act has been introduced in the United States House of
36 Representatives, and both bills grant those states that comply with the Agreement the authority
37 to require sellers, regardless of nexus, to collect those states' sales and use taxes; and

38 WHEREAS, the Marketplace Fairness Act and the Marketplace Equity Act for the first time
39 would provide a comprehensive national solution to the sales tax collection by permitting states

1 that are unable to join the Agreement to enact sales and use tax simplifications and be granted
2 authority to require collection of taxes on remote sales, thereby removing the potential for
3 competitive advantage among the states; and

4 WHEREAS, the Marketplace Fairness Act and the Marketplace Equity Act will create fair
5 market competition between traditional and online only retailers which will enable South
6 Dakota businesses to grow and expand resulting in more jobs and continued economic growth
7 for South Dakota; and

8 WHEREAS, the Marketplace Fairness Act and the Marketplace Equity Act will allow South
9 Dakota small businesses to compete fairly in order to sustain and increase the fifty-two thousand
10 retail jobs throughout the state; and

11 WHEREAS, until Congress and the President enact legislation to permit states to require
12 collection of tax on remote sales, participation by remote sellers will only ever be voluntary
13 making it unlikely that the states will close the sales and use tax gap between what is owed on
14 remote transactions and what is collected:

15 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
16 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the
17 Legislature of South Dakota calls upon the members of our congressional delegation, Senators
18 Tim Johnson and John Thune, to support the Marketplace Fairness Act and Representative
19 Kristi Noem to support the Marketplace Equity Act; and

20 BE IT FURTHER RESOLVED, that the Legislature of South Dakota expresses its
21 appreciation and gratitude to Senator Tim Johnson for cosponsoring the Marketplace Fairness
22 Act and to Representative Kristi Noem for cosponsoring the Marketplace Equity Act; and

23 BE IT FURTHER RESOLVED, that the Legislature of South Dakota urges President Barack
24 Obama to sign into law legislation granting the states authority to collect sales and use tax on
25 remote sales, upon its passage by the Congress.

26 Was read the first time and the Speaker waived the committee referral.

27 SCR 2: A CONCURRENT RESOLUTION, Urging the United States Postal Service to
28 reconsider the closing of post offices in rural South Dakota.

29 Was read the first time and the Speaker waived the committee referral.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Lust moved that the report of the Standing Committee on

3 Commerce and Energy on HB 1245 as found on pages 311 and 312 of the House Journal
4 be adopted.

5 Which motion prevailed.

6 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

7 SB 11: FOR AN ACT ENTITLED, An Act to authorize the Governor's Office of
8 Economic Development to create and administer a working capital loan program.

9 Was read the first time and referred to the Committee on State Affairs.

10 SB 45: FOR AN ACT ENTITLED, An Act to appropriate additional funds and to extend
11 the availability of appropriations to replace storage facilities at the Cottonwood Agricultural
12 Experiment Station.

13 Was read the first time and referred to the Committee on Appropriations.

14 SB 100: FOR AN ACT ENTITLED, An Act to modify the ethanol production incentive
15 payment to include qualified producers of biobutanol.

16 Was read the first time and referred to the Committee on Taxation.

17 SB 111: FOR AN ACT ENTITLED, An Act to revise the mining permit fees.

18 Was read the first time and referred to the Committee on Taxation.

19 SB 114: FOR AN ACT ENTITLED, An Act to designate the American bison as the state
20 mascot.

21 Was read the first time and referred to the Committee on State Affairs.

22 SB 195: FOR AN ACT ENTITLED, An Act to make appropriations from the water and
23 environment fund, the water pollution control revolving fund subfund, and the drinking water
24 revolving fund subfund for various water and environmental purposes, to revise the state water

1 plan, to authorize the construction and establish the state cost share for the Belle Fourche
2 irrigation upgrade project, and to declare an emergency.

3 Was read the first time and referred to the Committee on Appropriations.

4 SECOND READING OF CONSENT CALENDAR ITEMS

5 HB 1232: FOR AN ACT ENTITLED, An Act to repeal the South Dakota Commission on
6 Health Care.

7 Was read the second time.

8 The question being "Shall HB 1232 pass?"

9 And the roll being called:

10 Yeas 68, Nays 0, Excused 2, Absent 0

11 Yeas:

12 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
13 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
14 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
15 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
16 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
17 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson;
18 Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;
19 Speaker Rausch

20 Excused:

21 Elliott; Steele

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 Speaker declared the bill passed and the title was agreed to.

24 Rep. Kloucek requested that HB 1192 be removed from the Consent Calendar.

25 Which request was granted.

26 SB 26: FOR AN ACT ENTITLED, An Act to revise certain requirements pertaining to
27 earnest money paid in a cooperative or cobrokerage real estate transaction.

28 Was read the second time.

29 The question being "Shall SB 26 pass?"

1 And the roll being called:

2 Yeas 68, Nays 0, Excused 2, Absent 0

3 Yeas:

4 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
5 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
6 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
7 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
8 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
9 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson;
10 Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;
11 Speaker Rausch

12 Excused:

13 Elliott; Steele

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 Speaker declared the bill passed and the title was agreed to.

16 SB 28: FOR AN ACT ENTITLED, An Act to revise provisions regarding the renewal
17 process for certain third party insurance administrators.

18 Was read the second time.

19 The question being "Shall SB 28 pass?"

20 And the roll being called:

21 Yeas 68, Nays 0, Excused 2, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
24 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
25 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
26 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
27 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
28 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson;
29 Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;
30 Speaker Rausch

31 Excused:

32 Elliott; Steele

33 So the bill having received an affirmative vote of a majority of the members-elect, the
34 Speaker declared the bill passed and the title was agreed to.

1 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1158: FOR AN ACT ENTITLED, An Act to allow students attending nonpublic high
3 schools to be eligible for the jump start scholarship program.

4 Having had its second reading was up for consideration and final passage.

5 The question being "Shall HB 1158 pass?"

6 And the roll being called:

7 Yeas 36, Nays 32, Excused 2, Absent 0

8 Yeas:

9 Bolin; Brunner; Conzet; Gosch; Greenfield; Haggar; Hansen (Jon); Hickey; Hubbel; Hunt; Iron
10 Cloud III; Jensen; Killer; Kopp; Liss; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
11 Novstrup (David); Olson (Betty); Perry; Rozum; Russell; Schaefer; Sly; Solum; Stricherz;
12 Tornow; Tulson; Van Gerpen; Venner; Verchio; Wick; Speaker Rausch

13 Nays:

14 Abdallah; Blake; Boomgarden; Carson; Cronin; Deelstra; Dennert; Dryden; Fargen; Feickert;
15 Feinstein; Gibson; Hawley; Hoffman; Hunhoff (Bernie); Jones; Kirkeby; Kirschman; Kloucek;
16 Lucas; Lust; Romkema; Schrempp; Scott; Sigdestad; Street; Turbiville; Vanneman; White;
17 Willadsen; Wink; Wismer

18 Excused:

19 Elliott; Steele

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the bill passed and the title was agreed to.

22 Rep. Kirkeby announced his intention to reconsider the vote by which HB 1158 passed.

23 HB 1051: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
24 Authority and the Board of Regents to implement the long-term capital project request of the
25 Board of Regents providing for the demolition, construction, remodeling, or renovation of
26 various structures on the campuses of the state's universities and to make appropriations
27 therefor.

28 Was read the second time.

29 The question being "Shall HB 1051 pass as amended?"

30 And the roll being called:

1 Yeas 51, Nays 16, Excused 3, Absent 0

2 Yeas:

3 Abdallah; Blake; Bolin; Boomgarden; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
4 Fargen; Feickert; Feinstein; Gibson; Gosch; Haggar; Hawley; Hickey; Hoffman; Hunhoff
5 (Bernie); Hunt; Iron Cloud III; Jones; Killer; Kirschman; Kloucek; Lucas; Lust; Magstadt;
6 Moser; Munsterman; Novstrup (David); Perry; Romkema; Rozum; Schrempp; Scott; Sigdestad;
7 Sly; Solum; Street; Stricherz; Tulson; Turbiville; Vanneman; White; Wick; Willadsen; Wink;
8 Wismer; Speaker Rausch

9 Nays:

10 Brunner; Greenfield; Hubbel; Jensen; Kirkeby; Kopp; Liss; Miller; Nelson (Stace); Olson
11 (Betty); Russell; Schaefer; Tornow; Van Gerpen; Venner; Verchio

12 Excused:

13 Elliott; Hansen (Jon); Steele

14 So the bill having received an affirmative vote of a two-thirds majority of the members-
15 elect, the Speaker declared the bill passed and the title was agreed to.

16 HB 1093: FOR AN ACT ENTITLED, An Act to revise certain property tax levies for the
17 general fund of school districts.

18 Was read the second time.

19 The question being "Shall HB 1093 pass?"

20 And the roll being called:

21 Yeas 66, Nays 2, Excused 2, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
24 Dryden; Feickert; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
25 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
26 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
27 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
28 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van
29 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

30 Nays:

31 Fargen; Feinstein

32 Excused:

33 Elliott; Steele

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 HB 1133: FOR AN ACT ENTITLED, An Act to establish the Legislature's Planning
4 Committee.

5 Was read the second time.

6 Rep. Lust moved that HB 1133 be deferred to Wednesday, February 8, the 17th legislative
7 day.

8 Which motion prevailed.

9 HB 1233: FOR AN ACT ENTITLED, An Act to provide for the public access to the
10 records of former Governors and lieutenant governors.

11 Was read the second time.

12 The question being "Shall HB 1233 pass?"

13 And the roll being called:

14 Yeas 68, Nays 0, Excused 2, Absent 0

15 Yeas:

16 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
17 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
18 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
19 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
20 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
21 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson;
22 Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer;
23 Speaker Rausch

24 Excused:

25 Elliott; Steele

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the bill passed and the title was agreed to.

1 HJR 1007: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
2 general election an amendment to Article XII of the Constitution of the State of South Dakota,
3 relating to a balanced budget.

4 Was read the second time.

5 Rep. Hunhoff moved that HJR 1007 be placed to follow HB 1212 on today's calendar.

6 Which motion prevailed.

7 Speaker Pro tempore Gosch now presiding.

8 HB 1229: FOR AN ACT ENTITLED, An Act to exempt certain persons from the
9 requirement to license as a mortgage loan originator.

10 Was read the second time.

11 The question being "Shall HB 1229 pass?"

12 And the roll being called:

13 Yeas 65, Nays 2, Excused 3, Absent 0

14 Yeas:

15 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Fargen;
16 Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
17 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
18 Kirschman; Kloucek; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
19 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;
20 Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
21 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

22 Nays:

23 Abdallah; Kopp

24 Excused:

25 Dennert; Elliott; Steele

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the bill passed and the title was agreed to.

1 HB 1212: FOR AN ACT ENTITLED, An Act to revise certain terms regarding tort
2 liability.

3 Was read the second time.

4 The question being "Shall HB 1212 pass?"

5 And the roll being called:

6 Yeas 67, Nays 0, Excused 3, Absent 0

7 Yeas:

8 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden;
9 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
10 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
11 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
12 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
13 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van
14 Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

15 Excused:

16 Dennert; Elliott; Steele

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the bill passed and the title was agreed to.

19 Speaker Rausch now presiding.

20 HJR 1007: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
21 general election an amendment to Article XII of the Constitution of the State of South Dakota,
22 relating to a balanced budget.

23 Having had its second reading was up for consideration and final passage.

24 j1007mb

25 Rep. Hunhoff moved that HJR 1007 be amended as follows:

26 On page 1 of the printed resolution, delete lines 12 to 14, inclusive, and insert:

27 " Section 7. General fund expenditures pursuant to the annual budget approved by the
28 Legislature may not exceed legislatively adopted projections for general fund revenues for the
29 budget year. However, reserve accounts may be used as well to balance the general fund budget.
30 No general fund deficit may be carried forward from one fiscal period to the next. Nothing in
31 this section precludes capital works which extend beyond one fiscal year."

1 On page 1, line 15, delete everything before "Nothing" .

2 Which motion lost.

3 The question being "Shall HJR 1007 pass?"

4 And the roll being called:

5 Yeas 66, Nays 3, Excused 1, Absent 0

6 Yeas:

7 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
8 Dryden; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
9 Hickey; Hoffman; Hubbel; Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman;
10 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
11 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;
12 Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
13 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

14 Nays:

15 Fargen; Hunhoff (Bernie); Steele

16 Excused:

17 Elliott

18 So the resolution having received an affirmative vote of a majority of the members-elect,
19 the Speaker declared the resolution passed and the title was agreed to.

20 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

21 SB 3: FOR AN ACT ENTITLED, An Act to revise the composition of the state trunk
22 highway system.

23 Was read the second time.

24 The question being "Shall SB 3 pass?"

25 And the roll being called:

26 Yeas 69, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
3 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
4 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
5 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
6 Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
7 Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow;
8 Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
9 Wismer; Speaker Rausch

10 Excused:

11 Elliott

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 SB 55: FOR AN ACT ENTITLED, An Act to update certain provisions pertaining to motor
15 carrier safety and transportation of hazardous materials.

16 Was read the second time.

17 The question being "Shall SB 55 pass?"

18 And the roll being called:

19 Yeas 67, Nays 2, Excused 1, Absent 0

20 Yeas:

21 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
22 Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Haggard; Hansen (Jon); Hawley; Hickey;
23 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
24 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
25 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott;
26 Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
27 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

28 Nays:

29 Greenfield; Russell

30 Excused:

31 Elliott

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

1 SB 16: FOR AN ACT ENTITLED, An Act to define a final stage manufacturer dealer and
2 to provide for licensing of final stage manufacturer dealers.

3 Was read the second time.

4 The question being "Shall SB 16 pass?"

5 And the roll being called:

6 Yeas 68, Nays 0, Excused 2, Absent 0

7 Yeas:

8 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
9 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
10 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
11 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
12 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
13 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
14 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker
15 Rausch

16 Excused:

17 Abdallah; Elliott

18 So the bill having received an affirmative vote of a two-thirds majority of the members-
19 elect, the Speaker declared the bill passed and the title was agreed to.

20 SB 17: FOR AN ACT ENTITLED, An Act to require certain fuel tax returns and reports
21 to be filed by electronic means and to require certain fuel taxes to be remitted by electronic
22 transfer.

23 Was read the second time.

24 The question being "Shall SB 17 pass?"

25 And the roll being called:

26 Yeas 66, Nays 2, Excused 2, Absent 0

27 Yeas:

28 Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
29 Fargen; Feickert; Feinstein; Gibson; Gosch; Haggar; Hansen (Jon); Hawley; Hickey; Hoffman;
30 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman;
31 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
32 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott;
33 Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
34 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

1 Nays:
2 Greenfield; Russell

3 Excused:
4 Abdallah; Elliott

5 So the bill having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the bill passed and the title was agreed to.

7 There being no objection, the House reverted to Order of Business No. 5.

8 **REPORTS OF STANDING COMMITTEES**

9 MR. SPEAKER:

10 The Committee on Local Government respectfully reports that it has had under
11 consideration HB 1163 and returns the same with the recommendation that said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on Local Government respectfully reports that it has had under
14 consideration HB 1066 and returns the same with the recommendation that said bill be amended
15 as follows:

16 1066fc

17 On page 2, line 5, of the printed bill, overstrike "shall" and insert "may".

18 On page 2, line 6, overstrike "county commissioner in whose district death occurred" and
19 insert "board of county commissioners. The determination whether the decedent is buried or
20 cremated may be made by the next of kin, if any, otherwise by the board of county
21 commissioners".

22 And that as so amended said bill do pass.

23 Also MR. SPEAKER:

24 The Committee on Local Government respectfully reports that it has had under
25 consideration HB 1130 and returns the same with the recommendation that said bill be amended
26 as follows:

1 1130fd

2 On page 2, line 19, of the printed bill, overstrike "and" and insert

3 "

4 (5) For recording an easement filed by any entity created by chapter 34A-5, 46A-3A, or
5 46A-9 or any nonprofit engaged in the treatment, distribution, and sale of water to
6 rural consumers or any document filed by the Department of Transportation
7 pertaining to the acquisition of highway right-of-way, the sum of twenty dollars for
8 the first three pages plus two dollars for each additional page or fraction thereof;
9 and".

10 On page 2, line 20, overstrike "(5)" and insert "(6)".

11 On page 6, line 19, delete "and (4)" and insert "(4), and (5)".

12 And that as so amended said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on Local Government respectfully reports that it has had under
15 consideration HB 1243 which was tabled.

16 Also MR. SPEAKER:

17 The Committee on Local Government respectfully reports that it has had under
18 consideration HB 1127, 1184, 1222, 1224, and 1241 which were deferred to the 41st Legislative
19 Day.

20 Respectfully submitted,
21 Justin Cronin, Vice Chair

22 Also MR. SPEAKER:

23 The Committee on Legislative Procedure respectfully reports that HB 1003, 1012, and
24 1013 were delivered to his Excellency, the Governor, for his approval at 9:00 a.m., February 7,
25 2012.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1011 and 1056 and HJR 1001 and finds the same
4 correctly enrolled.

5 Respectfully submitted,
6 Val Rausch, Chair

7 **SIGNING OF BILLS**

8 The Speaker publicly read the title to

9 HB 1011: FOR AN ACT ENTITLED, An Act to revise the definition of domestic use of
10 water.

11 HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions of the South
12 Dakota Business Corporations Act regarding the issuance of shares and cumulative voting for
13 directors.

14 HJR 1001: A JOINT RESOLUTION, Proposing and submitting to the electors at the next
15 general election an amendment to Article XVII of the Constitution of the State of South Dakota,
16 relating to corporations.

17 And signed the same in the presence of the House.

18 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
19 3:37 p.m. the House adjourned.

20 Karen Gerdes, Chief Clerk